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Date: 8/28/09By: *Emily Blake*  
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OFFICE OF PETITIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	<b>Kenneth A. Klarfeld</b>	Art Unit:	<b>2424</b>
Serial No.:	<b>09/963,335</b>	Docket No.:	<b>MET2.PAU.23</b>
Filed:	<b>9/24/2001</b>	Examiner:	<b>BROWN, RUEBEN M</b>
For:	<b>SYSTEM AND METHOD FOR PERSONALIZED TV</b>		

**REQUEST FOR EXCUSAL OF ERROR IN CLAIMING SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENCY PURSUANT TO 37 CFR 1.28**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

In relation to the above referenced application, Small Entity status was established in good faith and Small Entity fees were paid in good faith, with no deceptive intent. Applicants, having discovered in the instant case that small entity status may not have been appropriate, seek to have any possible error in claiming small entity status excused.

37 CFR 1.28 provides that if status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent,

and it is later discovered that such status as a small entity was established in error, ..., the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section.

As provided in 37 CFR 1.28(c)(2), the deficiency due for each fee erroneously paid as a small entity is the difference between the current fee due and the fee paid erroneously. The Commissioner is hereby authorized to charge \$2,851 as indicated in the attached Credit Card Payment Form PTO-2038, and calculated in the table below.

Date Originally Paid	Fee Code Listed	New Fee Code	Name	Fee Paid	Current Fee	Difference Due
October 1, 2001	201	1001	Basic Filing Fee	\$355	\$850	\$495
October 1, 2001	202	1202	Independent claims excess of 3	\$80	\$440	\$360
October 1, 2001	203	1202	Claims in excess of 20	\$153	\$884	\$731
October 1, 2001	204	1203	Multiple Dependent Claim	\$135	\$390	\$255
May 9, 2002	218	1254	Extension of Time - Four Months	\$720	\$1,730	\$1,010
			<b>Total</b>			<b>\$2,851</b>

Should there be any other fees due and owing with respect to this application, the Commissioner is authorized to charge such fees or to credit such overpayment to Deposit Account No. 01-1960.

Application No.: 09/963,335  
Request For Excusal of Error Pursuant To 37 CFR 1.28  
August 28, 2009

Attorney Docket No.: MET2.PAU.23

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: 8/28/2009

A handwritten signature in black ink, appearing to read "Allen D. Danner", written over a horizontal line.

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